

The Senate Education and Youth Committee offered the following substitute to SB 320:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to enact a bill of rights for Georgia teachers; to revise provisions relating to authority of a teacher over a classroom and matters not subject to complaint for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by inserting in Subpart 2 of Part 6 of Article 6, relating to conditions of employment for the purposes of the "Quality Basic Education Act," a new Code section to read as follows:

"20-2-221.

Notwithstanding any other provision of law to the contrary, each certificated teacher serving in the public schools of Georgia shall have the following rights as a condition of employment:

(1) If, in the professional judgment of a teacher, a student needs to be removed from the regular classroom environment because the student's misconduct is materially and substantially disrupting the learning processes of the other students, the administrator shall respect the teacher's professional judgment. At the minimum, the student shall not be returned to the classroom on that particular day. The administrator shall not undermine the teacher's authority in the classroom by questioning the teacher's account of what happened in front of one or more students;

(2) A teacher has a right to file a complaint pursuant to Part 11 of Article 17 of this chapter about an annual evaluation if, in the opinion of the teacher, the evaluation was unfair, false, or retaliatory for the exercise of a right granted by this Code section;

(3) Each teacher shall be afforded the opportunity to participate in an annual evaluation of each administrator at his or her school. These evaluations shall be conducted in a way that assures each teacher complete confidentiality and anonymity. These evaluations shall be forwarded to the superintendent who in turn shall send copies of all the evaluations to each school board member;

(4) The teacher of the year at each school shall be nominated and selected solely by the anonymous votes of the teachers at the school;

(5) A teacher shall be permitted to have an individual, who shall not be an attorney, of the teacher's choosing present in any disciplinary proceeding or annual performance conference; a teacher shall, except in extraordinary circumstances, be provided with reasonable advance notice of such proceeding or conference; and a teacher shall be allowed to record such proceeding or conference; and

(6) If a local board of education shall fail to hold a hearing and render a decision as required under Part 11 of Article 17 of this chapter within the required time frames, then the complaint shall be considered settled in favor of the complainant and the last requested relief shall be granted. The State School Superintendent shall enforce this paragraph upon appeal by the complainant within 60 working days of either the expiration of the maximum time allowed to the local board of education by law or written notice of refusal of the local board of education to hold a hearing for any reason. The State School Superintendent shall take all steps necessary including, without limitation, requesting that the State Board of Education take action regarding the withholding of state funds to the local board of education pursuant to Code Section 20-2-243 until such time as the local board of education fully and completely grants the relief awarded under this paragraph. In the event that the local board of education initially grants the relief as required in this paragraph and subsequently acts in a manner contrary to such relief, the State School Superintendent shall retain jurisdiction, responsibility, and authority to enforce the relief as specified in this paragraph. The time frames may only be extended by mutual agreement in writing by the parties. In the event that the school system is closed for a number of days due to weather or other emergency, the days in all timelines may be extended only in an equal or lesser number of days by written notification by either party within five days of the reopening of the school system."

## **SECTION 2.**

Said chapter is further amended by revising subsection (c) of Code Section 20-2-738, relating to authority of a teacher over classroom, as follows:

"(c) If a teacher removes a student from class pursuant to subsection (b) of this Code section, the principal or the principal's designee shall discuss the matter with the teacher

and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for his or her removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence which supports his or her removal from class and give the student an opportunity to present his or her explanation of the situation. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher gives his or her consent, the student shall be returned to the class, and the principal or the principal's designee may take action to discipline the student, as may be warranted, pursuant to paragraph (1) of subsection (e) of this Code section; provided, however, that in no event shall the student be returned to the classroom on the particular school day in which the removal occurred. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher withholds his or her consent to the student's return to his or her class, the principal or the principal's designee shall determine an appropriate temporary placement for the student by the end of the first school day following such removal and shall also take steps to convene a meeting of a placement review committee. The placement review committee shall convene by the end of the second school day following such removal by the teacher and shall issue a decision by the end of the third school day following such removal by the teacher. An appropriate temporary placement for the student shall be a placement that, in the judgment of the principal or the principal's designee, provides the least interruption to the student's education and reflects other relevant factors, including, but not limited to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the student's need for support services, and the available education settings; provided, however, that the student shall not be returned to the class of the teacher who removed him or her, as an appropriate temporary placement, unless the teacher gives his or her consent. The temporary placement shall be in effect from the time of removal until the decision of the placement review committee is issued or, if applicable, a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code section."

### SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-989.7, relating to matters not subject to complaint, as follows:

"(a) The performance ratings contained in personnel evaluations and professional development plans pursuant to Code Section 20-2-210 and job performance shall not be subject to complaint under the provisions of this part, except as otherwise provided under paragraph (2) of Code Section 20-2-221. The termination, nonrenewal, demotion,

98 suspension, or reprimand of any employee, as set forth in Code Section 20-2-940, and the  
99 revocation, suspension, or denial of certificates of any employee, as set forth in Code  
100 Section 20-2-984.5, shall not be subject to complaint under the provisions of this part."

101 **SECTION 4.**

102 All laws and parts of laws in conflict with this Act are repealed.